

Appln. No.: 10/643,881

Amendment Dated September 25, 2006

Reply to Notice of Non-Compliant Amendment dated August 14, 2006

Remarks/Arguments:

With this Preliminary Amendment, claims 13, 39, 64, and 65 are amended to recite the feature that the ratio of the size of the bag (in square inches) to the weight of the meat/poultry product (in pounds) is from 17 to 23.

Support for this amendment is found at page 6, lines 19-22 of the application. The specification discloses that exemplary bag dimensions are 18.5 x 10 inches, which equals 185 square inches. The specification also discloses that a bird, in this example a turkey, of 8-11 lbs may be placed in the bag. Thus, the ratio of the size of the bag (in square inches) to the smallest disclosed weight of a bird (in pounds) suitable for the bag is $185/8=23$ (using two significant figures). Similarly, the ratio of the size of the bag to the largest disclosed weight of a bird suitable for the bag is $185/11=17$ (two significant figures). No new matter has been added.

According to the specification at page 6, lines 16-19, the claimed relationship between the bag size and the weight of the product therein is such that the bag fits over the meat or poultry product in a way which ensures that the meat or poultry product does not separate. This particular fit, as now captured by the amended claims, also helps to shape the meat or poultry product adding to the aesthetic appeal of the packaged product. Accordingly, as required by the claims, when the meat or poultry product is heated to temperatures between about 300 degrees Fahrenheit and about 450 degrees Fahrenheit, a gap is formed between the bag and an upper portion of the meat or poultry product. Thus, the bag is form-fitting around the meat or poultry product to a sufficient extent to maintain the shape of the packaged product, yet expands during cooking to provide a gap as called for by the claims.

Berrier fails to disclose or even contemplate the claimed relationship of the size of the bag to the weight of the product contained within the bag. Because this relationship is now claimed, the rejection cannot be maintained because at least one claim feature is not found in the cited reference. Moreover, with this ratio now claimed, the applicants submit that the claimed gap formed during heating would not be at once envisaged. The applicants note this in response to the comments in the Final Office Action dated April 25, 2006, at page 3, paragraph 8, which provides that "it is inherent that the gap between the product and the meat would be within the range recited by applicant *because applicant has not claimed a specific range for size of the bag or the meat product*" (emphasis added).

Appn. No.: 10/643,881

Amendment Dated September 25, 2006

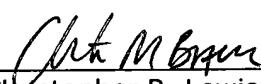
Reply to Notice of Non-Compliant Amendment dated August 14, 2006

The applicants also comment in response to the Notice of Non-Compliant Amendment. The Notice indicates that the drawings are not labeled. For clarification, the drawings are not part of the application, but are illustrations of experiments conducted by Dr. Robert James Vimini. These experiments were detailed in Dr. Vimini's Declaration, which accompanied the previous response.

Claims 68 and 69 are new. Claim 68 specifically recites that the bag is a single layer only and comprises nylon 66. The applicants reassert that although Berrier mentions various alternatives to the number of layers that a bag can have, Berrier admittedly does not show the embodiment where the bag is only a single layer. Claim 69 recites the size to weight relationship discussed above. No new matter has been added.

Reconsideration and allowance of pending claims 13-15, 18-28, 32-41, 44-65, and 67-69 is respectfully requested.

Respectfully submitted,


Christopher R. Lewis; Reg. No. 36,201
Christian M. Bauer; Reg. No. 51,443
Attorneys for Applicants

CRL/CMB/jlm

Dated: September 25, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

September 25, 2006

